

**REMARKS**

Claims 21-40 are pending in the application. Claims 21 and 40 are the independent claims.

**The Claimed Invention**

The present invention relates to a vacuum cleaner including a housing and an exhaust opening that is fluidically connected to an overpressure side of a motor/blower unit. The motor/blower unit is surrounded by an insulating capsule and is placed inside a blower housing, via a duct that has a duct section, which is arranged while extending between the insulating capsule and the motor/blower housing.

The present invention provides a fluidically optimized duct between the insulating capsule of the motor/blower unit and of a housing part with simple means whose production and assembly are cost-effective. To this end, in an exemplary embodiment, at least one capsule part of the insulating capsule is joined to a housing part, particularly of the blower housing, while forming a single piece. This largely prevents the formation of perturbing edges due to assembly gaps, and the vacuum cleaner can be cost-effectively produced and assembled with a reduced variety of parts.

**The Rejections under 35 U.S.C. § 102(b)**

Claims 21-36 and 40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Herron, Jr. (U.S. Patent No. 4,970,753). Applicants respectfully traverse this rejection.

The present invention recites, *inter alia*, in independent claim 21, a vacuum cleaner comprising a housing and an exhaust opening that is fluidically connected to an overpressure side of “a motor/blower unit which is surrounded by an insulating capsule ....” The grounds of rejection state that Herron, Jr. discloses an insulating capsule, alleged as formed by the U-shaped portion (42) and which is placed inside a blower housing (citing col. 2, lines 36-59). The Response to Arguments further state that in Herron, Jr. the U-shaped part abuts the section at (28) thus encapsulating the motor (26).

Applicants respectfully submit one of ordinary skill in the art would not consider a U-shaped portion of Herron, Jr. to be a *capsule* as claimed. Rather, item 42 is a U-shaped wall structure of noise compartment 36 where an air flow baffle cartridge is positioned (see col. 3, lines 1-7). Applicants maintain that noise reduction compartment 36 does not surround motor blower assembly 24 as shown in Figure 1 of Herron, Jr.

Further, there is no disclosure of a “blower compartment cover” having a second capsule part as claimed. The grounds of rejection do not state which item of the Herron, Jr. vacuum cleaner includes this feature. Rather, the grounds of rejection cite col. 2, lines 36-59 which only discusses a top cover not even shown in the drawings. In the Response to Arguments, clarification is provided which states that the cover inherently has a capsule since the purpose is a suction compartment, and as such, the motor would have to be encapsulated from above as well. Applicants submit that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing

described in the reference, and that it would be so recognized by persons of ordinary skill. In this case, Applicants respectfully submit that one of ordinary skill in the art would not equate the rear wall of the top cover with a second capsule part as claimed.

Finally, col. 2, line 61 – col. 3, line 20 as cited does not disclose a first capsule part of the insulating capsule being joined to a portion of the blower housing while forming a single piece. This section discusses noise compartment 36 which is not a capsule. Accordingly, Applicants respectfully submit that the present invention recited in claim 21 distinguishes from Herron, Jr., and as such, claim 21 is allowable. The insulating capsule is also recited in independent claim 40, and as such, claim 40 is allowable for similar reasons. Claims 22-39 depend on claim 21 and are allowable at least for this reason, as well as their own features.

With respect to claims 27-29, the grounds of rejection state to see Figs. 1 and 3; and 4:61-68. Claim 29 recites a feature wherein “the capsule wall sections of the first capsule part and the capsule wall sections of the second capsule part are arranged so that they overlap.” Applicants respectfully submit that Herron, Jr. does not teach the capsule of the present invention for the reasons discussed above, nor first and second capsule parts, and therefore nor would it teach an overlapping feature. Moreover, col. 4, lines 61-68 recite features of the air flow baffle cartridge and would not be relative to the capsule feature of the present invention.

With respect to claims 30-36, the grounds of rejection state to see Figs. 1-3; and 4:1-5. Claims 30-36 recite various features of the capsule part, and therefore, for the reasons above, are not disclosed or suggested by Herron, Jr.

**The Rejections under 35 U.S.C. § 103(a)**

Claims 37-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herron Jr. in view of Moshenrose et al. (U.S. Patent Publication No. 2005/0210628).

The grounds of rejection acknowledge that Herron, Jr. does not disclose the housing part of the blower comprising a holder for receiving a bearing element for the motor/blower unit. However, the grounds of rejection state that Moshenrose et al. discloses a vacuum cleaner fan unit in which the housing part of the blower comprises a holder for receiving a bearing element for the motor/blower unit so as to facilitate ease of periodic inspection and maintenance of the unit. Applicants respectfully submit that as disclosed in col. 1, lines 10-30 of Herron, Jr., one drawback in related art vacuum cleaners with walls or other components formed as part of the housing is that it is difficult to implement due to molding constraints. As such, Herron, Jr. teaches a vacuum cleaner where molding is reduced in the housing, unlike in the present invention. Applicants respectfully submit, based on this teaching of Herron, Jr. that one of ordinary skill in the art at the time of invention would have not looked to other art, such as Moshenrose et al., for teaching of the inclusion of parts in the housing. Herron, Jr. teaches away from this combination. As such, Applicants respectfully submit that the combination of Herron, Jr. and Moshenrose et al. was made using improper hindsight in view of Applicants' own teaching in the present specification. Therefore, claims 37-39 are allowable.

**CONCLUSION**

In view of the above, allowance of claims 21-40 is respectfully requested. If the Examiner has any questions regarding the remarks herein, the Examiner is kindly requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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April 7, 2011

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